

REMARKS/ARGUMENTS

Claims 24-51 are pending. By this Amendment, claims 24 and 25-27, 29 and 31 are amended, and new claims 34-51 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 24-25 and 28-32 under 35 U.S.C. § 102(b) over Garelick (U.S. Patent No. 2,823,671). This rejection is respectfully traversed.

Claim 24 recites a mask for use with a CPAP device, comprising a frame, and a cushion provided to the frame, the cushion, in cross section, having a generally U-shaped configuration defining a face contacting surface, an inner leg of the U-shaped configuration being proximal to the frame and an outer leg defining a distal end spaced away from the frame, the inner leg defining an opening in the cushion, the opening being adapted to receive pressurized gas from the CPAP device, wherein the U-shaped configuration includes a connecting portion between the first and second legs that provides said face contacting surface, and the inner leg extends in a continuous, uninterrupted and smooth manner in a direction of flow of the pressurized gas through the opening.

Garelick does not disclose the inner leg of the cushion defining an opening in the cushion, the opening being adapted to receive pressurized gas from the CPAP device, wherein the inner leg extends in a continuous, uninterrupted and smooth manner in a direction of flow of the pressurized gas through the opening, as recited in independent claim 24. The Office Action asserts that the outwardly extending lip 47 is the second leg spaced away from the frame (outer leg as recited in claim 24), that flange 46 is the connecting portion, and that a first leg (inner leg as recited in claim 24) is disclosed.

However, Garelick does not disclose the inner leg defining an opening in the cushion, the opening adapted to receive pressurized gas from the CPAP device. Instead, Garelick discloses an air filtering device of the respirator type that uses a filter element 28. Garelick does not disclose that the filtering device is adapted to receive pressurized gas from a CPAP device. In fact, the filter element 28 would not be used in a CPAP device, since the pressurized gas in a CPAP device is provided by a CPAP blower.

Further, Garelick does not disclose the inner leg extending in a continuous, uninterrupted and smooth manner in a direction of flow of the pressurized gas through the opening, as recited

in independent claim 24. In contrast, the "inner leg" in Garelick does not extend in the direction air would flow through the respirator. Accordingly, claim 24 and dependent claims 25 and 28-32 are not anticipated by Garelick. Withdrawal of the rejection is requested.

The Office Action rejects claims 26-27 under 35 U.S.C. § 103(a) over Garelick U.S. Patent No. 2,823,671). This rejection is respectfully traversed.

Claims 26-27 would not have been obvious over Garelick for the reasons discussed above regarding claim 24, from which claims 26-27 depend. Withdrawal of the rejection is requested.

New independent claim 38 recites a mask for use with a CPAP device, comprising a cushion having a generally U-shaped cross-sectional configuration, the cushion including an inner leg, an outer leg, and a face contacting surface formed between the inner leg and the outer leg, the inner leg defining an opening in the cushion, the opening being adapted to receive pressurized gas from the CPAP device, wherein the inner leg extends in a continuous, uninterrupted and smooth manner in a direction of flow of the pressurized gas through the opening. Claim 38 is not anticipated by Garelick for at least the same reasons as claim 24.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4398-607.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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